

391-3-1-.05 REGULATORY EXCEPTIONS. AMENDED.

- (1) The Director may grant specific or general classes of exceptions to the particular requirements of any rule, regulation, or general order, to such specific persons or class of persons or such specific existing stationary (as of June 1, 1972) source or general class of such sources subject to any requirement of, under, or pursuant to the Georgia Air Quality Act of 1978, upon such conditions as he may deem necessary to protect the public health, and welfare, if, upon petition, he finds that strict compliance with such rule, regulation, or general order is inappropriate for one of the following reasons:
 - (a) Because of conditions beyond the control of petitioner; or
 - (b) Because of special circumstances which would render strict compliance unreasonable, unduly burdensome, or impracticable due to special physical conditions or causes; or
 - (c) Because strict compliance would result in substantial curtailment or closing of the business or operation; or
 - (d) Because no alternative facility or method of handling is available.
- (2) Notwithstanding the provisions of subsection (1) above, the Director shall not in any case authorize an exception to any requirement, unless such exception fully complies with an approved State Implementation Plan meeting all the requirements of Title I, Part D, of the Federal Act, all the requirements for an approvable revision to the State Implementation Plan pursuant to 40 USC § 7410(a), as amended, and all requirements under 42 USC § 7411, as amended, and 42 USC § 7412, as amended. Any exception granted is and shall be subject to O.C.G.A Section 12-9-18, as amended, and the Administrator's emergency powers under Title III, Section 303 of the Federal Act. No exception to any State Implementation Plan requirement shall become effective until the Plan revision based upon an exception is approved by EPA. If a State Plan revision based upon an exception has been approved as part of the State Implementation Plan by EPA, and is subsequently disapproved by EPA, the exception shall be immediately void and of no effect, and the general regulatory requirement shall apply to the person or source to which such exception applied before the disapproval. In the event of such disapproval, the affected person or source shall meet the regulation requirements as expeditiously as practicable.

- (3) Any person or person seeking an exception to any regulation requirement shall do so by filing a petition for such exception with the Director. The Director shall promptly investigate such petition and shall cause the petitioner to have published in a newspaper of general circulation in the area of the source to which the exception, if granted, is to apply, notice of the request for such exception, notice of the date, time, and place of a public hearing to be held to receive comments upon and evidence with regard to the granting of such petition, and notice of the person to whom and the address at which comments may be mailed, within 30 days after the notice is published. Upon consideration of all the evidence and supporting data submitted by the petitioner, and upon consideration of all evidence and comments received by mail, postmarked within 30 days of the date of publication of the notice, the Director shall issue an order, either denying or granting the requested exception. Any exception granted may be limited in time. Any exception may be conditioned upon compliance with interim or alternate standards, limitations, or requirements and shall contain a schedule requiring compliance with the regulation to which the exception is granted as expeditiously as practicable. The Director shall evaluate the petition and the consequences of granting or denying the requested exception, consistent with the public health, safety and welfare.
- (4) Any person aggrieved by the order of the Director upon such petition may request a review of such order in accordance with the provisions of O.C.G.A. Section 12-9-15.
- (5) Any exception granted may be revoked or modified by the Director after a public hearing which shall be held after giving at least fifteen (15) days notice to all persons known to the Director who will be subjected to greater restrictions or more stringent regulatory requirements if such exception is revoked or modified, and to any person or persons who have filed with the Director a specific written request for such modification. Any order of the Director revoking or modifying any exception previously granted, may be reviewed in accordance with the provisions of O.C.G.A. Section 12-9-15; provided, however, that during the pendency of any such review the source or person to whom the exception applied prior to such revocation or modification shall as expeditiously as practicable comply fully with the general regulatory requirements if the order is one of revocation, or the terms of modified exception if the order is one of modification, after issuance and notice of the Director's order of revocation or modification. Any notice required herein may be made upon petitioner by mailing (U. S. Post Office, adequate postage, a copy of the notice to order to either the address appearing on the application for a permit for the affected source to such other address as the petitioner may provide, and upon any other person by mailing to the address provided in the persons specific request for notification.

THIS IS THE FEDERALLY APPROVED REGULATION AS OF FEBRUARY 02, 1996

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391-3-1-.06 REPEALED. [NO RECORD OF THIS REPEAL WAS FOUND]